

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Tr.CRIMINAL PETITION Nos.115 and 116 of 2015

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COMMON ORDER :

The petitioner in both the petitions is the sole respondent in M.C.No.44 of 2014 (Tr.Crl.P.No.116 of 2015) and one of the respondents in D.V.C. No.8 of 2014 (Tr.Crl.P.No.115 of 2015). It is stated that the petitioner is an Associate Professor working in Chandigarh and he is also a surgeon attending duties concerning with human lives and in the proceedings, now impugning, he cannot attend personally that too there are no flights directly to Hyderabad from Chandigarh and even he reached Hyderabad, he has to take further ordeal of journey to go to Macherla, where the two matters are pending and thereby it is just to transfer both the matters to Hyderabad and therefor he will bear the expenses to the 1st respondent for attending the adjournments.

2) Heard the learned counsel for Petitioner and the 2nd respondent-State represented by the learned Public Prosecutor before admission and before ordering notice to the 1st respondent who is no other than wife of the petitioner and perused the material on record.

3) The fact that there is no problem to attend, but for the difficulty of attending to the seat of the Court where the proceedings are pending. It is not even the averment that the matters are intentionally posted to different dates despite requesting a single date conveniently. Needless to say that there is a provision under Sections 205 read with 126 Cr.P.C. to make an application to dispense with the personal appearance and to represent through special vakalat holder and in such an event, the Court has to invariably allow the same and no such petition is filed so far admittedly. It is needless to say without even filing of such a petition, the petitioner is since representing through Advocate, the Advocate

can represent and physical presence cannot be insisted by the Court unless required as both the proceedings are quasi civil in nature and also summary in nature.

4) Having regard to the above while directing the trial Court to dispose of the petition by allowing the same in the event of filing a petition under Sections 205 read with 126 Cr.P.C or otherwise not to insist the personal appearance of the petitioner herein in both the cases (M.C. as well as D.V.C) but for where personal attendance is necessary and proceed with the matters since both are summary in procedure to give early disposal and by posting both the matters on the same date.

5) With the above observations, both the transfer criminal petitions are disposed of.

6) Miscellaneous petitions, if any pending in both the petitions, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.02nd June, 2015

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